

LINCOLN PLANNING BOARD

MARCH 22, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, March 22, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:07 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gregory Mercurio, Gerald Olean and Michael Reilly. Absent was David Lund. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, Town Solicitor Mark Krieger, and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.

Chairman Mancini advised six members present; have quorum. Chairman Mancini stated that Patrick Crowley is a new member to the Planning Board.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini stated that the Consent Agenda is voted on as a whole, but any item on the consent agenda could be removed and discussed separately by making a motion. There are four items under Zoning Applications. Mr. Reilly asked about the address on the application for Albion Place – it is listed as Manville, but should be Albion.

Mr. Olean made a motion to approve the Consent Agenda as amended. Mr. Mercurio seconded motion. Motion passed unanimously.

MAJOR LAND DEVELOPMENT REVIEW

a. Lincoln Park AP 42 Lot 24 Consideration of Master Plan UTGR Louisquisset Pike Approval

Chairman Mancini stated that a public hearing was held last Thursday on this project and the public hearing was closed, so public comment is not allowed tonight. Assistant Solicitor Roger Ross stated that that he wanted to address the Board on a matter that arose at last week's meeting – there was a question asked about all three public hearings if it was appropriate for the Board to amend the agenda and consider approval at the Master Plan level. He indicated that the Board had the legal ability to amend the agenda. He went back the next morning and upon reading the Open Meetings Act

determined that the motion to amend to approve Master Plan was out of order. He was wrong on his advice; the Board can amend the agenda, but only for limited purposes. One of the purposes specifically excluded is to add a substantive matter, then have a vote on that matter. That comes under the Open Meetings Act and must be posed 48 hours in advance. Accordingly, the Board, in all three of those matters, acted upon his advice, against the Open Meetings Act, RIGL Title 42. The three approvals that were granted that night are all null and void as a matter of law. The Master Plan has to be posted as it has been done this evening, and for the other two matters. Everything that followed the motion to amend the agenda is null and void as a matter of law and none of that is valid. We are back tonight in the normal course of events. He apologized to the Board and the public who relied upon his advice. He stated that you recognize a problem, admit it, fix it if you can, and move on. Mr. Mercurio stated that he wanted it entered into the record that a motion was not needed to nullify anything that the Board did last week. Mr. Ross stated that since the motion was out of order and null and void; therefore, there is nothing to amend. There is no motion to amend, no motions to be made to set it aside; the motion and the action upon the motion to amend is null and void.

Chairman Mancini stated that he has been the Chairman of the Board for a few years, and should have picked up on that. Usually, the agenda is listed as public hearing/vote – it gives the Board the option to vote if it so desires. When this agenda was prepared, it did not

have that portion of it. He is glad it is being corrected; the other applicants have been contacted and will be heard next month.

Chairman Mancini stated that the next item is consideration of Master Plan approval for Lincoln Park. He is not going to ask the developer to give a presentation, unless there are questions from the Board.

Mr. Olean made a motion to approve the Master Plan. Mr. Mercurio seconded the motion. Mr. Reilly stated that he had concerns regarding the Comprehensive Plan; he has reviewed the Comp Plan and still has concerns that the project is in conflict with the Comp Plan in three areas. In the Town-wide vision statement, it states that the park shall not increase and perhaps decrease. In the Land Use Element, on page 11.1, it says that the park should not be allowed to increase. In the Economic Development section, page 24, states that any future use shall decrease, not maintain or increase the impact to the area. He feels that this project is against the Comp Plan in three areas and does not comply with the Comp Plan. Mr. Ross stated that there have been a number of hearings on this matter and thinks it is inappropriate for Mr. Crowley to vote on this matter. The five other members will be the only members voting on this matter. Chairman Mancini stated that he could abstain, not recuse himself.

Mr. Ranaldi stated that the Comp Plan is a road map for the Town to follow year after year, decade after decade. One of the elements is

that the neighborhoods that exist are preserved as much as possible. The park has been there for forty years and has grown; the neighborhoods have grown. The Comp Plan is very specific in saying to preserve the area. In some projects, there could be conflicts; it is the job of the community to weigh the conflicts and determine if it is moving in the Town's direction. In the Economic Development, it says it should grow and work to the Town's advantage regarding property taxes, jobs, and so forth. Traffic cannot be increased. The developer has done extensive offsite improvements to mitigate any increase in traffic. You have to weigh the conflicts and make the best decision for the Town. In his professional opinion, the park has done substantial work to make everyday living on the residents in the area and in the Town much safe and pleasurable in that area. Mr. Reilly commented that there is no doubt in the traffic report that traffic counts will increase and he thinks that the park did an excellent job in mitigating the increase in traffic, but it does not change the fact that traffic will increase to that area. What they have done is mitigate stacking up the lanes and getting people in and out of the track quicker, but there is no doubt that more people will be going to the track. Chairman Mancini stated that he supports the renovation of Lincoln Park for a number of reasons: 1). Lincoln Park, Lincoln Greyhound Park, or Lincoln Downs – whatever you want to call it has been around for 65 years and has always offered an opportunity to win. In all the years, they have always tried to be good neighbors. If it were a manufacturing plant, there would not be a lot of attention if they increased their production. There is no guarantee that there will

be an increase in patrons – no one knows what is going to happen in Johnston or Massachusetts. To say that they are going to increase so many cars a day is pure conjecture. If they had come before the Board with no consideration for traffic movement, he would have a concern. He thinks that the traffic plan will take care of some of the issues that we are having today. It benefits the Town – the park will be here for as long as they want to be here; it also benefits the State of Rhode Island.

Mr. Mercurio commented that whenever the Board looks at something new, he likes to look at similar approved projects. Two years ago, Lincoln Mall was like a vast wasteland. When Lincoln Mall came before the Board, they dramatically increased the quality of Lincoln Mall; there is probably five times the numbers of cars going in there now. He sees no difference in the traffic flow or waiting time. He thinks the developer has done an excellent job in not only the infrastructure improvements to the park itself, but also to preparing the roads around the track and taking care of the traffic flow in the neighborhood. He lives in this neighborhood and is 100% in favor of this project. Mr. Olean stated that the traffic situation was lined up years ago. Traffic in the last ten-fifteen years is less than it was before then. Mr. Mercurio stated that the Board's purview begins and ends with what happens on the park's premises; RIDOT is in charge of the roads, not the Board or the Town of Lincoln. The developer has done an exemplary job in doing what they can do, with what they have the authority and the responsibility to do. Mr. Reilly stated that

in comparing the Mall with the park - there is strong language in the Comp Plan regarding the park and how the park shall not increase – possibly decrease. There is nothing in the Comp Plan that talks about Lincoln Mall – if anything, it probably encourages expansion and development of the Mall. There are conflicts in the Comp Plan that says that park should not expand. Ms. Hopkins commented that the Comp Plan states that nothing should be done to harm the viability of the park. Mr. Mercurio commented that Mr. Reilly thought it was okay for the mall to expand, but not for the park. Mr. Reilly stated that he is concerned that the language in the Comp Plan is pretty clear. Chairman Mancini stated that the Board looks at the Comp Plan and revises and modifies it. He remembers the discussion of leaving Lincoln Park alone – the park was thriving and increases were expected. The Board wanted to keep it that way to better scrutinize the park's activities. If you want to take it literally, it states not to let the park increase. If you allow a new business to come to town, you do not want to tell them they cannot expand because it may increase traffic. The Comp Plan is a guide to follow; there are certain areas that are vague. Vague is not always bad because it allows the opportunity to make adjustments with justification. That is why public hearings are held – to allow others to speak.

Mr. Mercurio called for the vote. Mr. Reilly voted no; Mr. Crowley abstained; Mr. Olean voted yes; Chairman Mancini voted yes; Mr. Mercurio voted yes; Ms. Hopkins voted yes. Motion carries.

Chairman Mancini stated that Lincoln Park is certified to be heard at Preliminary Plan Level. A public hearing is being scheduled for April 12, 2006; certified letters will be sent to the abutters and an ad will be placed in the newspaper. The agenda will show that a public hearing will be held and a vote will be considered. The other two applicants will be addressed the same night. Mr. Reilly asked if the other two applicants would be considered for Master Plan approval and Chairman Mancini replied yes.

b. Special Care Residence AP 41 Lot 44 Public Hearing – 7:15 pm

H.L. George Development Corp Albion Road Master/Preliminary Land

Development Discussion/Approval

Chairman Mancini explained the process for the public hearing. The list of abutters was read – there were none present.

Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations and is a major land development. It is a single lot containing 4.39 acres and received a Certificate of Completeness on January 17, 2006 and the Board has until May 17, 2006 to approve, deny, or approve with conditions. This was in front of the Board about two years ago and received Master and Preliminary Plan approval, but the project did not move forward. They received Zoning Board approval; the Zoning Board made one change and added ten

parking spots. The drainage calculations were reviewed for those parking spots. They have successfully addressed the Town's concerns and requirements. A RIDEM wetlands permit is needed. Sewers and water are available. Drainage has been mitigated successfully.

Chairman Mancini stated that this is a combined Master Plan/Preliminary Plan hearing based on the more stringent requirements.

Attorney Richard Ackerman represented the applicant and thanked the Town for the favorable reception to this plan. The project was presented to the Zoning Board. The Special Care Facility will be dedicated to the care and treatment of Alzheimer's patients. They appreciate the combination of Master Plan and Preliminary Plan. They ask that final plan approval be delegated to the Administrative Officer. They hope to break ground in the spring. They did get RIDEM approval the last time – it is valid for four years and just needs to be transferred to the current owner. The approval was granted in 2003 and is valid until 2007. Chairman Mancini asked if they could move forward without RIDEM and NBC approval and Mr. Ranaldi replied no.

Kevin Morin of DiPrete Engineering stated that wetlands were approved in March 2003. The permit was transferred in February 2006 to the current owner, Lincoln Alzheimer's LLC. Mr. George is purchasing this project and proceeding with construction; when the

property is transferred into his name, another transfer will take place. He was not aware that the NBC permit expired; the majority of the work has been completed and as-builts have been sent to NBC. The building connection itself has not been made. The force main was installed the same time the Lincoln Reserve force main was installed. He will update the NBC permit and does not see any problems. Ms. Wiegand stated that the Town has accepted the gravity sewers. An NBC permit is required by the Town to get a building permit. Chairman Mancini asked what it means when a project is approved with conditions. Mr. Ross explained that the conditions are precedent to the issuance of building permits. The conditions must be met before a building permit is issued.

Mr. Olean asked if the current plan showed the parking changes that the Zoning Board made. Mr. Morin replied yes. Mr. Mercurio asked about the ownership of the property and if the existing owner and the applicant are the same. Mr. Ackerman replied that the owner of the property is Lincoln Alzheimer LLC and Mr. George is the applicant who has a purchase and sales agreement to purchase the property; they are co-applicants and both have signed the application.

Mr. Ranaldi stated that he did not anticipate a vote and did not set up a remediation bond. Mr. Ackerman stated that the Town Planner has been very helpful and cooperative and would like to do whatever is necessary to move the project along as quickly as possible. Chairman Mancini stated that the Board has a lot of confidence in Mr.

Ranaldi and Ms. Wiegand. Mr. Ranaldi stated that according to the TRC report, there are three conditions of approval. Lincoln Water Commission approval is needed, a remediation bond, and a NBC permit.

Mr. Olean made a motion to close the public hearing. Mr. Mercurio seconded the motion. Motion passed unanimously.

Mr. Olean made a motion to approve Master Plan/Preliminary Plan with the three conditions discussed – Lincoln Water Commission approval, NBC approval, and the remediation bond. Mr. Mercurio seconded motion. Mr. Ranaldi stated that he would put the remediation bond on next month's agenda. Motion passed unanimously.

Mr. Olean made a motion to delegate final approval to the Administrative Officer. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. George thanked the Board for combining Master Plan and Preliminary Plan and for the vote tonight.

c. 143 Reservoir Avenue AP 6 Lot 437 Public Hearing – 7:45 pm

Joseph Kishfy Reservoir Avenue Master/Preliminary Land Development Discussion/Approval

Chairman Mancini explained the process for the public hearing – the Town Planner will make a presentation, then the developer will make a presentation, the Board may ask questions, and then the public has an opportunity to speak. The list of abutters was read – no one was present.

Mr. Ranaldi stated that this property received a zone change from BL-05 to RG-7, which allowed them to apply to the Zoning Board for a special use permit for more than two additional units. The Zoning Board's decision was postponed; therefore, the TRC did not make a recommendation. This development is under the 2005 Subdivision Regulations and received a Certificate of Completeness on February 14, 2006; the Board has until June 14, 2006 to make a decision. There are a few things of concern – there is a wetlands within 50' of the project and would need an insignificant alteration. Right now the area is paved; the impervious area to be added is minimal. The sewer connection would be from Pawtucket. The Lincoln Water Commission has some concerns about the existing 1 ½" service line – it may not be able to accommodate additional units. He would ask the developer that a registered engineer do an analysis to determine if this part of the system can support additional development. Mr. Mercurio asked if it was a concern that the existing water main may not be able to support a sprinkler system for the dwelling per the fire regulations. He wants it made clear that it was not only for water usage, but also a fire and safety concern as well. Mr. Ranaldi stated

that the LWC would like it looked at before moving forward.

Chairman Mancini stated that this is similar to the prior application as it relates to a combination Master Plan/Preliminary Plan.

Attorney Peter Ruggiero stated that he is representing Mr. Kishfy. They did receive the TRC report and noted that there are no abutters present. They did give a presentation to the Board last month and it is a proposal to create six additional units on the property that already contains six units. He does have a copy of the site plan and would be willing to come back next month and discuss the water concerns. They do not believe that sprinklers are required. Mr. Ihenacho is willing to meet with the LWC and do the necessary modeling work that is required and answer the question one way or another. The wetlands are being flagged and once completed, will be submitted to RIDEM for approval. They have sewer approval from the City of Pawtucket.

Mr. Mercurio asked if a determination was made on dual entrance and exits – is there going to be two-way traffic at each exit. Mr. Ranaldi stated that the Zoning Board decided to take on more responsibility and make a decision on that – but it is a matter that is under the purview of the Planning Board. Mr. Krieger stated that the Zoning Board reviews traffic conditions and could impose reasonable restrictions or conditions and the Planning Board can exceed those conditions. Chairman Mancini commented that he would expect that

Mr. Krieger would be mindful to advise the Zoning Board if they were to overstep their bounds. Ms. Wiegand stated that the Zoning Board does not have the technical expertise when it comes to traffic issues.

Mr. Ruggiero stated that the applicant is willing to do whatever the Town desires. What is before the Board is two ways - one in and one out - on the right side and one way out on the left side. The Zoning Board did raise the question and he has no idea what they will do. Mr. Ihenacho endorsed the current plan because it would be better for traffic circulation. Mr. Reilly stated that there is not enough land to add two lanes of traffic on each side of the building. Mr. Krieger stated that normally matters before the Zoning Board do not appear before the Planning Board. The Zoning Board does have to look at traffic as a consideration that they have to adhere to in granting variances. Chairman Mancini asked if anyone in the public had anything to say – no one responded.

Mr. Mercurio made a motion to close the public hearing. Mr. Reilly seconded the motion. Motion passed unanimously.

Mr. Olean made a motion to continue the matter to next month. Ms. Hopkins seconded the motion. Mr. Reilly asked if the Zoning Board decision is not made, what happens to the decision from the Planning Board. Mr. Ruggiero stated that the only reason that the Zoning Board did not vote on the matter is because a member was missing;

they are expecting a decision next month. The applicant would not object to granting an extension. Motion passed unanimously.

**d. Nafta Mills AP 34 Lot 14 Final Land Development Plan
A.F. Homes Old River Road Discussion/Approval**

Mr. Ranaldi stated that the applicant has successfully met all of the requirements except the RIDEM settlement agreement. They submitted the Preliminary Plan for review on March 1st. The applicant assured us they would have it tonight, but they have not received it. He is asking the Board to extend the matter until next month.

Mr. Reilly stated that this is a key factor to move from commercial to residential. This agreement is crucial to this project.

Mr. Mercurio asked if the Board could approve the project pending receipt of RIDEM approval. Mr. Reilly stated that he does not agree with that – RIDEM approval is very important to this project. He does not see why the Board would expedite this matter without the approval. Mr. Ross stated that there is important stuff in this commercial to residential agreement and would advise the Board against granting approval without the RIDEM agreement approval.

Keith Fayan of Michael Kelly's office stated that he is representing the applicant A.F. Homes. On March 23, 2005, Nafta Mills received

Preliminary Plan approval with conditions. All of the conditions have been addressed with the exception of the remediation action work-plan. It is acceptable to the applicant to be placed on April's agenda and come back with all of the permits in hand. Mr. Mercurio asked what was holding up the letter. Mr. Fayan replied that he is unsure, but the work plan was submitted on March 1st. Mr. Mercurio stated that they would need the letter by the next TRC meeting to place it on the agenda. Mr. Ranaldi stated that he would place it on the agenda anyway. Ms. Wiegand stated that there is a serious matter that she wanted to discuss. The developer has been pushing to go into construction and the Town does everything they can to work with an applicant. She went to the site this afternoon and there was a bulldozer on site and excavation was started – that is illegal. There is contaminated soil on that site and she does not know where it is. She called RIDEM. Mr. Fayan stated that he disagrees with her conclusion as to the legality of the activities. Pursuant to a significant alterations permit granted by RIDEM, silt fence and hay bales have been installed and there has been some clearing of the land, but there has been no excavation done. Ms. Wiegand stated that excavation has been started and told the lawyer to go look at the site. Chairman Mancini stated that this Board is not an enforcement board, but we will not sit here thinking that the developer is not following the procedures on what can and cannot be done. He advised Mr. Fayan to contact the developer and advise them to cease and desist or the Town will do it. Mr. Olean stated that he went by the site today and there was more than one piece of equipment on site.

Mr. Olean made a motion to continue this matter to the April meeting. Ms. Hopkins seconded motion. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Riverfront Estates AP 45 Lot 436 Preliminary Plan Discussion/ DOSCO, Inc. Angell Road Approval

Mr. Ranaldi stated that the applicant received a Certificate of Completeness on January 17, 2006 for Preliminary Plan; the Board has until May 17, 2006 to render a decision. A public hearing was held last month. Residents in the area brought up several comments and concerns. In light of those concerns, the TRC examined the application and have recommended approval with the following conditions: 1) A note on the plan that specifies that finished floors or basements must be set above the seasonal high ground water elevation; 2) onsite drainage drywell units are proposed to catch roof drainage – every house must have drywells; 3) LWC has communicated that public water service is available and final construction plan approval is needed; and 4) NBC approval is also needed.

Chairman Mancini asked if the developer agreed to the conditions and Mr. Ranaldi replied yes. Mr. Olean asked if the discussion at the

Town Council meeting last night on pole relocation was related to this project. Mr. Ranaldi replied yes – the pole will be moved as requested. Mr. Mercurio asked if due to the close proximity to the reservoir, future homeowners are restricted on using fertilizers. Ms. Wiegand stated that RIDEM does not impose restrictions. The roof drains will prevent drainage onto Angell Road.

Mr. Olean made a motion to grant Preliminary Plan approval with the conditions as amended by Mr. Ranaldi. Mr. Ranaldi stated that a remediation bond has not been set, but the amount will be determined and put on the agenda for next month. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Mercurio made a motion to delegate final approval to the Administrative Officer. Mr. Olean seconded motion. Motion passed unanimously.

**b. Sales Road Subdivision AP 44 Lot 33 Master Plan Extension
E. A. McNulty Angell & Lantern Roads**

Mr. Ranaldi stated that this application received Master Plan approval on May 25, 2005. The applicant has submitted a request for a one-year time extension. The TRC has reviewed the request and recommends approval of the Master Plan approval for one year from the date of May 25th to May 25, 2007.

Chairman Mancini stated that Preliminary Plan is the most critical stage.

Mr. Reilly made a motion to grant an extension to May 25, 2007 for Master Plan. Ms. Hopkins seconded motion. Motion passed unanimously.

c. Winterberry Estates Subdivision AP 45 Lot 335 Preliminary Plan Extension

George E. & Charlotte Tootell Winterberry Road

Mr. Ranaldi stated that this project received Preliminary Plan approval on March 24, 2004 and their approval expired in March 2005. It is considerably over-extended. The Preliminary Plan has run out. Ms. Wiegand has worked extensively with this applicant. Ms. Wiegand stated that the applicant has been working throughout, but there is a problem with his contractor. The water and sewers are in and pressure tested. The work that has been performed is fine; there is no reason to stop the project.

Chairman Mancini stated that the Board tries to be reasonable but he is concerned that the developer did not come forward last year for an extension. Ms. Wiegand stated that Mr. Tootell is not a developer - he is a resident that has subdivided his own land.

Mr. Tootell stated that his contractor has had a lot of money

problems. He still has to put another top layer of asphalt on the road.

He recently found out that the contractor has not paid for the first layer of asphalt. He went to his lawyer and was told not to pay until the job was completed. The curbing has been sitting there since before Thanksgiving. The contractor stated that he will set a date and finish the curbing as soon as possible. Mr. Mercurio asked what the Board could do to help him with the contractor. Mr. Tootell stated that he is close to finishing. Ms. Wiegand stated that the owner lives on site with his family. Mr. Tootell is under a remediation bond, but he cannot sell the lots until the curbing is in and the road is completed. Mr. Ross stated that the Board's relationship is with the developer. The Board does not want to get involved with a dispute with the developer/contractor. Mr. Tootell stated that he is asking for an extension until August 1st, as the contractor should be finished by then. Chairman Mancini asked what happens if the extension is not granted. Ms. Wiegand stated that the entrance would be blocked and the developer would have to start over. Chairman Mancini asked how the Board enforces the requirement that the developer has to come back after a year. Mr. Ross stated that these matters are case specific.

Mr. Olean made a motion to approve the extension as recommended by the TRC. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Ross stated that our regulations are absolutely clear that

requires an extension to be filed before the expiration date and not after the fact. The Board has every right to say the train has left the station. Mr. Reilly agreed and stated that the developer needs to be conscious of the dates of approval and expiration. Chairman Mancini suggested reminding the developer when approval is granted to request an extension if needed. Mr. Reilly stated that it is up to the developer to know the dates. Mr. Tootell stated that he is not a developer is was not aware that the approval had expired. He is giving three lots to his children.

**d. Lincoln Meadows AP 45 Lot 1 Preliminary Plan Extension
Angellin, LLC Angell Road**

Mr. Ranaldi stated that this is the seven-lot subdivision on Angell Road. They received Preliminary Plan approval on March 24, 2004 and an extension on September 28, 2005. They have been diligently working on the site. Ms. Wiegand stated that the utilities are in, curbing in is, and the project is in good shape.

Mr. Mercurio made a motion to approve the Preliminary Plan extension by one year until March 24, 2007. Mr. Olean seconded the motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

a. Lincoln Garden Estates AP 43 Lots 20 & 21 Preliminary Plan Discussion/

Steven, Stuart & Cara Popovich Old Louisquisset Pike Approval

Mr. Ranaldi stated that this is a new project and is under the 2005 Subdivision Regulations and is the subdivision of two lots into five. A new cul-de-sac will service four of the five lots. Public water and sewers will service all five lots. The total acreage is 5.2 acres and is in a RS-20 zone. The applicant received a Certificate of Completeness on March 16, 2006 and the Board has until June 18, 2006 to make a decision. The TRC has reviewed the plans and there is no indication if there are existing wells or septic systems within 200' of the project – this must be noted on the plans. The LWC has worked with the applicant and public water is available within the right of way. All lots will be connected to the water main on Old Louisquisset Pike. They need a NBC permit. The road crown is designed at 3% - our regulations require 2% - that must be revised or a waiver requested. Chairman Mancini stated that if a waiver is requested, it is moved up to a major subdivision. A road extension jumps approval from 65 to 95 days. If a waiver is requested, the project will be moved up to a major. Mr. Reilly asked why that was changed. Mr. Thalmann stated that he would change it to the town's requirements. A detention pond was relocated. The crowns will be changed.

Mr. Ranaldi stated that drainage report showing the calculations has

not been received. The TRC feels that these are minor concerns and the applicant will be able to address them before the next meeting. The TRC recommends that the applicant move to a public hearing stage in April. Chairman Mancini stated that he does not have a problem as long as they meet the requirements of a minor subdivision.

Mr. Thalmann stated that the applicants are present as well as the traffic consultants on the project. He takes no issues with any of the comments that Mr. Ranaldi made. The road crown is easily revised back to the town requirement so no waivers are being sought. They are just waiting for the permits to come in. By the time the public meeting is conducted and the Board is required to make a decision, all approvals will be in place. Chairman Mancini stated that this would be a full-fledged public hearing. Mr. Thalmann stated that this is a minor subdivision with a street construction. A list of abutters will be provided. Mr. Olean asked if any waivers were being requested. Mr. Thalmann replied no.

Mr. Mercurio made a motion to move this matter to a public hearing. Ms. Hopkins seconded motion. Mr. Reilly asked if this matter was being considered for Preliminary Plan and Chairman Mancini replied that since this is a minor subdivision, there is only Preliminary Plan approval and final. Motion passed unanimously. Mr. Thalmann stated that he would like to submit the traffic impact statement to the Board.

CORRESPONDENCE/MISCELLANEOUS

Chairman Mancini stated that Ms. Hopkins would be appointed to the TRC meetings starting in April. The Ethics Commission has sent letters – a reminder to get them filled out and sent back.

For the next meeting, the agenda must include Planning Board elections for Chairman, Vice Chairman and Secretary.

Mr. Ranaldi stated that he would not be here on March 24th; Ms. Wiegand will take care of the meeting.

Chairman Mancini asked Mr. Ranaldi if he is sharing the agendas with Mr. Reilly for review and Mr. Ranaldi replied yes. Approval was not on the agenda last month – the Board is not obligated to vote, but they have the option.

Mr. Ranaldi stated that on March 24th, Russ Hervieux, the Zoning Official will present the draft of the proposed Zoning Ordinance. There will be a cover letter summarizing the proposed changes. The Board needs to read the Zoning Ordinance. The Board makes a recommendation to the Town Council.

Mr. Mercurio asked if some of the paperwork could be emailed to the

members. Mr. Ranaldi stated that the agendas and TRC reports could be but not the plans.

Chairman Mancini stated that the three issues discussed earlier would be addressed on April 12th.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Mercurio, it was unanimously voted to adjourn. Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Margaret Weigner

Attached March TRC Report:

On March 9, 2006 at 2:00 pm, the Technical Review Committee met to review the agenda items for the March 22, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Peggy Weigner, Kim Wiegand, John Faile, and Greg Mercurio. Below are the Committee's recommendations:

Major Land Development Review

a. Lincoln Park AP 42 Lot 24 Consideration of Master Plan

- UTGR Louisquisset Pike Approval

b. Special Care Residence AP 41 Lot 44 Public Hearing – 7:15 PM - Master /

- H.L.George Development Corp. Albion Road Preliminary Land Development

Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the commercial development of a single lot containing 4.39 acres. This project is in front of the Planning Board for a Master Plan discussion and review. On January 17, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan and preliminary plan requirements and standard engineering practices.

The plans reviewed were entitled “Preliminary Submission – Albion Road – Special Care Facility, Located on Albion Road, AP41 Lot 44”, sheets 1-8, prepared for H.L.George Development Corporation by DiPrete Engineering Associations, Inc., dated January 2003 and revised through January 19, 2005. The proposed project has been before the Zoning Board and the Planning Board several times during 2003 for review for a special use permit.

The TRC has reviewed the submitted plans against the Zoning Board’s approval and the conditions and our land development regulations. The developer and his engineers have met with the staff several times during the design of the project. The submitted plans successfully address all of the committees concerns.

Site Layout

This is the commercial development of one lot. The developer has successfully met all of the Town requirements. Special attention has been given to fire rescue accessibility around the building.

Environmental

A RIDEM wetland permits will be needed for this project.

Sanitary Sewers

Sanitary sewers are available from a new force main installed into Albion Road. The application will install a private pumping station to feed into the public force main.

Public Water Service

Municipal water service is available to the project. The Lincoln Water Commission will have to update its preliminary approval of this project.

Drainage

The site drains to mainly to wetlands on site. The drainage facilities include mitigation of water quality and peak rate of flow. The proposed drainage system successfully addresses all of the concerns of the TRC.

The applicant is in front of the Planning Board for a Public Hearing. If no other concerns are presented at the public hearing, the Technical Review Committee supports the applicant's request to have the review stages combined and further recommends Approval with Conditions of the Preliminary Plan for this project. The following items are the proposed conditions of approval.

- 1. A RIDEM wetland permits will be needed for this project.**
- 2. Lincoln Water Commission will have to update its preliminary approval of this project.**

c. 143 Reservoir Avenue AP 6 Lot 437 Public Hearing – 7:45 PM - Master /

- Joseph Kishfy Reservoir Avenue Preliminary Land Development Discussion / Approval**

On February 14, 2006, the Master Land Development Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master land development plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Land Development Plan review must be made by June 14, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the above proposed land development project according to the 2005 Land Development and Subdivision Regulations master land development plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Site Plan" AP 6 Lot 437, Reservoir Avenue in Lincoln, Rhode Island, prepared for Joseph Kishfy by Marsh Surveying Inc., dated July 6, 2005.

Wetlands/Drainage

As measured on the plans, Spectacle Pond is within fifty feet of the proposed work. Therefore a permit from RIDEM Wetlands Section is required for land development approval as a condition of the approval. Per the Town ordinance, as well as RIDEM regulations, a sedimentation and erosion control plan must be submitted and

approved before any construction or earth disturbance is performed on site. It does not appear that there is a significant increase of impervious covering from the new construction; however, the Town requires that the owner install a dry well to capture the roof runoff. The existing swale to the pond should be enhanced as a filter strip to mitigate potential water quality issues.

Utilities

The new building is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers belong to the City of Pawtucket. Approval for connection to their sewers is required as a condition of the approval. The applicant must obtain a road opening permit before construction from the Town of Lincoln if the proposed sewer service connection is a new, separate connection. The applicant must obtain a permit from Narragansett Bay Commission for the sewer flows. The applicant must obtain approval for a second, separate water service to the proposed new building from the Lincoln Water Commission (LWC) as a condition of the approval. The LWC submitted a letter to the Town stating that the existing 1 ½" service line may have to be upgraded to accommodate the additional units. The LWC has some concern whether the amount of water available through the old dead end six inch main that serves this area is adequate for the increase domestic and fire flows. The Commission requests that a Rhode Island registered engineer submit an analysis to determine if this part of the system can support the additional proposed development.

This project is in front of the Planning Board for a Public Hearing. The Technical Review Committee did not offer any new comments on this land development at this time because the Zoning Board has not rendered a decision on the requested Special Use permit. The TRC recommends to the applicant that they address the above noted concerns and any public comments offered at the Public Hearing and return to the Planning Board in April.

d. Nafta Mill AP 34 Lot 14 Final Land Development

- A. F. Homes Old River Road Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the residential development of up to 41 condominium units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.

On October 26, 2005, the project received Preliminary Plan approval with conditions.

The Conditions are as follows:

1. The RIDEM Settlement Agreement and work plan must be approved by RIDEM and submitted to the Town for review as a condition of preliminary plan approval. No construction can be allowed until the work plan is approved.

- 2. The project will require a Physical Alteration Permit from RIDOT for access to the property.**
- 3. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval.**
- 4. The project will require a RIDEM wetlands permit as a condition of approval.**
- 5. The developer is required to provide an independent professional engineer to oversee the installation of the URS systems for this project. Special attention must be given to the review and approval of the geotech fabric before installation.**

To date, the applicant has successfully supplied the Town with the Physical Alteration Permit from RIDOT for access to the property, the Narragansett Bay Commission permit for the project, and an approved RIDEM wetlands permit. The applicant has expressed to the Town and to the Planning Board that they will supply an independent professional engineer to oversee the installation of the URS systems for this project.

The Town is still waiting for a RIDEM approval letter for the proposed DEM Settlement Agreement and work plan. The applicant has supplied the Town with a letter stating that this approval should be in hand no later than Tuesday, March 21, 2006. If the Town does not receive and review this approval letter, the applicant will ask for a continuance to the April Planning Board meeting.

Major Subdivision Review

**a. Riverfront Estates AP 45 Lot 436 Preliminary Plan Discussion /
- DOSCO Inc. Angell Road Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into five conventional single-family lots. The subject lot contains approximately 6.36 acres of land and is located in zoning district RA-40 (40,000 square feet – Residential Single Family). The proposed homes are to be serviced by a public cul-de-sac road and public water and sewer.

On January 17, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by May 17, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission included a plan entitled “Preliminary Plan Submission for Riverfront Major Subdivision,” Angell Road, AP 45,

Lot 436, in Lincoln, Rhode Island, prepared for the owner/applicant Dosco Inc. by Commonwealth Engineers & Consultants, Inc., dated December 2005. Also received was a report entitled “Storm Water Management Analysis” for Riverfront Estates in Lincoln, RI, prepared by the above consultant for the above owner November 2005. A traffic study was previously reviewed.

Based on the above referenced documents and plans, the Technical Review Committee feels that the applicant has successfully addressed the subdivision regulations and all of the concerns and comments of the Planning Board, Technical Review Committee and the public. Therefore, the TRC recommends preliminary plan Approval with Conditions. The following items are the recommended conditions of approval:

- 1. There is a note on the plan specifying that finished floors or basements must be set above the seasonal high ground water elevation. This must be a condition of approval for the subdivision.**
- 2. The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision.**
- 3. Onsite drainage dry wells, “Cultech” units are proposed to collect roof drainage from the houses. This must be a condition of approval for the subdivision.**
- 4. The Lincoln Water Commission (LWC) has communicated to the Town that public water service is available to this project and can receive preliminary approval for water line design, subject to final construction plan approval. This must be a condition of approval for**

the subdivision.

**b. Sables Road Subdivision AP 44 Lot 33 Master Plan Extension
- E.A. McNulty Angell and Lantern Road**

Members of the Technical Review Committee reviewed the submitted request for a time extension of the Master Plan approval granted on May 25, 2005. The TRC recommends Approval of the application for a time extension of one additional year. The Committee feels that the applicant has been diligently working on the preliminary plan engineering process and plans for this subdivision but have been delayed as a result of utility issues and pending wetland issues with the Department of Environmental Management.

c. Winterberry Estates Subdivision AP 45 Lot 335 Preliminary Plan Extension

- George E. & Charlotte Tootall Winterberry Road

Members of the Technical Review Committee reviewed the submitted request for a time extension of the Preliminary Plan approval granted on March 24, 2004. The applicant states that they were unaware that the Preliminary Plan approval expired. The Committee reviewed the project and the Engineering division confirmed to the TRC that significant site work has been completed and only minimal work is left to complete. The TRC feels that the applicant has been diligently working on the construction of the site improvements but was

delayed due to issues related to the contractor. Therefore, the TRC recommends Approval of the Preliminary Plan Extension to August 1, 2006. The applicant states that he will have the project completed by this time.

**d. Lincoln Meadows AP 45 Lot 1 Preliminary Plan Extension
- Angellin, LLC Angell Road**

Members of the Technical Review Committee reviewed the submitted request for a second time extension of the Preliminary Plan approval originally granted on March 24, 2004. On September 28, 2005, the Planning Board granted a time extension for one year from the date of the original approval. Therefore, the extension will expire on March 24, 2006. The Committee feels that the applicant has been diligently working on the construction of the site improvements but have been delayed due to the weather. Therefore, the TRC recommends Approval of the application for a second time extension of one additional year to March 24, 2007.

Minor Subdivision Review

a. Lincoln Garden Estates AP 43 Lot 20 & 21 Preliminary Plan Discussion /

**- Steven, Stuart, & Cara Popovich Old Louisquisset
Pike Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of two lots into five conventional single-family lots. Four of the five lots will be accessed from a new cul-de-sac. All five lots will be serviced by public water and sewer. The subject lots contain approximately 5.28 acres of land and are located in zoning district RS-20 (20,000 square feet – Residential Single Family).

On March 15, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval according to the requirements of these regulations at Section 18(c) & (d) and shall approve, deny, or approve with conditions, the preliminary plan with conditions within ninety five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 27.” Therefore, a decision on the Preliminary Plan review must be made by June 18, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division reviewed the above proposed subdivision according to the

preliminary plan requirements and standard engineering practices. The new plans reviewed were entitled “Drainage & Utility Plan and Grading & Layout Plan,” for Lincoln Garden Estates, Old Louisquisset Pike, AP 43 Lots 20 & 21, Lincoln, RI, prepared for Steven Popovich by Thalmann Engineering Co., Inc. The set of plans are dated January 2006. A document entitled, “Master Plan- Development Impact Narrative” prepared for Steven Popovich by the above engineer dated March 2005 was previously reviewed. The recent submission was reviewed and the following concerns were noted by the TRC.

Site Plan

There is no indication of any existing wells or septic systems on or within 200 feet of the property. These need to be located and shown on the plans, particularly any serving the existing residence on Lot 21. If none are found, then a note that no wells or septic systems were found within 200 feet must be listed on the plans.

Utilities

The subdivision is proposed to be connected to public water and sewers via existing lines in Old Louisquisset Pike. The Lincoln Water Commission (LWC) has notified the Town that public water is available. The LWC requires that individual service lines be installed from the water main in Old Louisquisset Pike to each building. According to the LWC, “Any buildings located more than 90 feet from the front property line will need a meter pit and all installations will require a backflow preventor and expansion tank.” The nearest public

sanitary sewers are in Old Louisquisset Pike. The sewers are owned by the Narragansett Bay Commission (NBC). Gravity sanitary sewers are proposed to connect to the sewer line NBC. Approval from NBC will be required for sewer service to the project.

Roads/Traffic

Access is proposed from Old Louisquisset Pike, a State highway. A Physical Alteration Permit from RI Department of Transportation (RIDOT) is required. The nearest intersection is at Evergreen Road which is more than 150 feet away. The road crown is shown as 3%. The standard in Lincoln is 2%. The applicant will have to revise the road crown or request a waiver. No sidewalks are proposed. The applicant will have to add in sidewalks or request a waiver.

Wetlands and Drainage

The proposed detention basin for the development would discharge towards a wetland behind the existing house on Lot 20, adjacent to the proposed subdivision. RI Department of Environmental Management (RIDEM) Wetlands approval will be required. An erosion and sediment control plan will be required by both the Town and RIDEM. Access to the detention basin from a public right of way must be included in the design plans. Landscape maintenance of the detention basin is to be the responsibility of the property owner on which the basin is located. Structural maintenance will be the responsibility of the Town. A condition of any approval must also include the specification that no finished floors or basements shall be

constructed at or below the seasonal high groundwater elevation, as determined by a certified soil evaluator. This must be put in a note on the plans. The soil evaluation was witnessed by the Town Engineer.

The Technical Review Committee feels that the above noted concerns are minor in nature and can be easily addressed by the applicant. Therefore, the Technical Review Committee recommends that the applicant address the above noted concerns and proceed to the public hearing stage of the review process at the April meeting.

April Zoning Applications

Joseph Kishfy, 22 Dennell Drive, Lincoln, RI – Special Use Permit to add six new dwelling units to six existing units for a total of twelve units, two of which shall be eligible for low or moderate income dwelling units on property located at 143 Reservoir Avenue, Lincoln, RI.

AP 6, Lot 437 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the special use permit will not alter the general

character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance, nor the Lincoln Comprehensive Plan.

Joseph Kishfy, 22 Dennell Drive, Lincoln, RI – Dimensional Variance for lot width relief of property located at 143 Reservoir Avenue, Lincoln, RI.

AP 6, Lot 437 Zoned: RG 7

The proposed dimensional variance is required due to the recent zone change of the above noted parcel. When the parcel was zoned BL-0.5, it met all of the zoning requirements. Recently, the parcel was changed to RG-7 which caused the existing lot width to be nonconforming to the new zone requirements. Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The Technical Review Committee finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Albion Place, LLC, 6 Blackstone Valley Place, Lincoln, RI – Use Variance for the construction of six new dwelling units on property located at 2 Main Street, Manville, RI

AP 32, Lot 44 Zoned: BL 05

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the expansion of an existing multi-family use on the parcel. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance, nor the Lincoln Comprehensive Plan.

**Bank RI, One Turks Head Building, Providence, RI – Dimensional Variance for front yard setback to subdivide property to spin-off excess land to current coffee shop owner and retain remainder land area for eventual merger with adjoining bank operations center for property located at 629 George Washington Highway, Lincoln, RI.
AP 28, Lot 51 Zoned: BL 05**

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. As stated above, the dimensional variance is needed for relief from the frontage standard to subdivide property to spin-off excess land to current coffee shop owner and retain remainder land area for eventual merger with adjoining bank operations center for property located at 629 George Washington Highway, Lincoln, RI. This subdivision has

received Master Plan approval by the Planning Board on February 22, 2006. The Technical Review Committee recommends Approval with Conditions. The applicant has presented a realistic site development proposal that will ultimately merge the back lot into the adjoining bank lot. The TRC feels that proposed temporary nature of the landlocked lot 1 is not guaranteed. In order not to create potential problems in the future, the following (potentially defeasible) easements must be granted in the private 40 foot wide right of way shown on the presented plans:

1. Vehicular/pedestrian access to and from George Washington Hwy for lot 1 across lot 2.
2. Vehicular/pedestrian access to and from George Washington Hwy for lot 3 across lot 2.
3. Sanitary sewer connection for lots 2 and 3 through lot 1.
4. Water service for lot 1 through lot 2.

If the Zoning Board feels fit to approve this dimensional variance request, the above noted easements can be reviewed by the Town during the Planning Board preliminary plan review stage.